

OVER

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 13695

PERMIT 8196

LICENSE 4316

ORDER ALLOWING CHANGE IN POINT OF DIVERSION
AND PLACE OF USE

WHEREAS:

1. License 4316 was issued to Gilbert Foote and was filed with the County Recorder of Sonoma County on May 9, 1956.
2. An order allowing change in purpose of use, place of use and adding a point of redirection was granted on April 4, 1975 and has been recorded with the County Recorder of Sonoma County on April 8, 1975 in Book 2946, Page 858.
3. A petition for change in point of diversion and place of use has been filed with the State Water Resources Control Board and said Board has determined that good cause for such change has been shown.
4. The Board has determined that the petitioned changes do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The point of diversion under this license shall be as follows:

South 6,660 feet and East 2,150 feet from the NW corner of Section 6, T9N, R7W, MDB&M, being within the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected Section 7, T9N, R7W, MDB&M.

2. The place of use under this license shall be as follows:

450 acres within projected Section 7, T9N, R7W, MDB&M, and projected Section 1, 2, 11 and 12, T9N, R8W, MDB&M as shown on map on filed with State Water Resources Control Board.

Dated: **APRIL 9 1985**

Raymond Walsh
Raymond Walsh, Chief
Division of Water Rights

9

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 13695

PERMIT 8196

LICENSE 4316

ORDER ALLOWING CHANGE IN PLACE OF USE,
PURPOSE OF USE AND ADDING POINT OF REDIVERSION

WHEREAS:

1. A petition has been received requesting change in place of use, purpose of use and to add a point of rediversion to License 4316.
2. License 4316 was issued to Gilbert Foote and was filed with the County Recorder of Sonoma County on May 9, 1956.
3. The State Water Resources Control Board has found that the above described changes and addition in said License 4316 for which said petition was submitted will not operate to the injury of any other legal user of water.
4. The Board has approved and allowed said change and has directed that an order be issued to describe said changes and addition in accordance with said petition.

NOW, THEREFORE, IT IS ORDERED:

That permission is hereby granted to:

1. Change the place of use under said License 4316 to a place of use described as follows:

283 ACRES WITHIN PROJECTED SECTION 7, T9N, R7W, MDB&M AND PROJECTED SECTIONS 11 AND 12, T9N, R8W, MDB&M AS SHOWN ON MAP FILED WITH STATE WATER RESOURCES CONTROL BOARD.

2. Change the purpose of use under License 4316 as follows:

IRRIGATION AND FROST CONTROL.

3. Add a point of rediversion described as follows:

SOUTH 8,594 FEET AND WEST 574 FEET FROM NW CORNER OF SECTION 6, T9N, R7W, MDB&M, BEING WITHIN NE $\frac{1}{4}$ OF SE $\frac{1}{4}$ OF PROJECTED SECTION 12, T9N, R8W, MDB&M.

Dated: APR 4, 1975


R. L. ROSENBERGER, Chief
Division of Water Rights



STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

License for Diversion and Use of Water

APPLICATION 13695

PERMIT 8196

LICENSE 4316

THIS IS TO CERTIFY, That Gilbert Foote
Calistoga, California

(over)

has made proof as of September 22, 1954,
(the date of inspection) to the satisfaction of the State Engineer of California of a right to the use of the water of
Foote Creek in Sonoma County

tributary to Redwood Creek

for the purpose of irrigation

under Permit 8196

of the Department of Public Works and that said right to the use of said water has
been perfected in accordance with the laws of California, the Rules and Regulations of the Department of Public Works
and the terms of the said permit; that the priority of the right herein confirmed dates from April 19, 1950;
and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited
to the amount actually beneficially used for said purposes and shall not exceed one hundred fifty (150)
acre-feet per annum to be collected from about November 1 of each year to about
June 1 of the succeeding year.

The point of diversion of such water is located south six thousand three hundred ten
(6,310) feet and west three thousand five hundred forty (3,540) feet from NE
corner of projected Section 6, T9N, R7W, MDB&M, being within NE1/4 of NW1/4 of
projected Section 7, T9N, R7W, MDB&M.

A description of the lands or the place where such water is put to beneficial use is as follows:

29 acres within SE1/4 of NW1/4 of projected Section 7, T9N, R7W, MDB&M
13 acres within NE1/4 of SW1/4 of projected Section 7, T9N, R7W, MDB&M
42 acres total.

All rights and privileges under this license including method of diversion, method of use and quantity of water
diverted are subject to the continuing authority of the Department acting through the State Engineer in accordance
with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or
unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time
to time by the State Engineer.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein
specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Department.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) ~~but no longer.~~

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property can not agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.



Witness my hand and the seal of the Department of Public Works of the State of California, this 24 day of April, 1956

HARVEY O. BANKS,
~~AND EDMONSTON~~, State Engineer

By L. C. Jopson
~~HARVEY O. BANKS~~ L. C. Jopson
Assistant State Engineer

6-12-79 Name chng to Estate of Gilbert Foote
12-19-80 Asgd to Estate of Gilbert F. Foote
3-4-86 Asgd to Rancho Mallacomes & Preferred Vineyards, Inc

1/2/96 Not of asgd: App#13695 Lic.#4316
Rancho Mallacomes & Wine World Estates Co.

LICENSE 4316

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

LICENSE
TO APPROPRIATE WATER

ISSUED TO Gilbert Foote

DATED APR 24 1956

92877-5-53 3N SPO